IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.17266 of 2006**

DATE OF DECISION: November 2, 2006

SATPAL SACHDEVA AND OTHERS ...PETITIONERS

VERSUS

STATE OF HARYANA & OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE JASBIR SINGH.

PRESENT: MR. S.C. KAPOOR, SR. ADVOCATE
WITH MR. HARMINDERJIT SINGH, ADVOCATE
FOR THE PETITIONERS.

ASHUTOSH MOHUNTA, J. (ORAL)

Learned counsel for the petitioners contends that invoking of the urgency provisions for acquiring the land in dispute for public purpose, namely, for the office of Range Forest Officer, Rai, Village Bahalgarh was not justified, as the State Government had lost right upto the Supreme Court and that no urgency exists.

The question whether urgency provisions should be invoked or not is the subjective satisfaction of the State Government and hence there is no force in this argument. It is next been argued that nowhere in the notification issued under Section 4(1) read with Section 17 (1) & (4) of the Land Acquisition Act, it has been mentioned that the land sought to be acquired is waste or arable. The question whether it should be mentioned while issuing notification under Section 4 & 17 of the Land Acquisition Act that the land is waste or arable is no longer *res integra*. It has been held in

1996 (6) SCC 445 and as well as in 1993 (2) SCC 84 that the acquiring authority need not recite that the land was waste or arable.

There is no merit in the writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 2, 2006
Gulati

(JASBIR SINGH)
JUDGE